



FISCAL MEMORANDUM

HB 2583 - SB 2748

April 4, 2022

SUMMARY OF BILL AS AMENDED (016905): Establishes that it is a Class E felony offense for a person or entity to operate a child care agency while a suspension of a license issued by the Department of Human Services (DHS) is in effect, following the effective date of a denial or revocation of a license by DHS, or without being licensed by DHS and within 10 years of a previous finding that the person or entity operated a child care agency without being licensed.

Specifies that adverse effects on emotional and mental health and welfare may constitute adversely affecting a child's health and welfare, as it relates to child abuse or neglect.

FISCAL IMPACT OF BILL AS AMENDED:

NOT SIGNIFICANT

Assumptions for the bill as amended:

- Pursuant to Tenn. Code Ann. § 71-3-505(a), a person who operates a child care agency without being licensed by DHS, or who continues to operate such agency while a suspension of the license is in effect, or who operates a child care agency following the effective date of a denial or revocation of a license, commits a Class A misdemeanor.
- The proposed legislation would enhance the offense of operating a child care agency while having a suspended license, or following the effective date of a denial or revocation of a license, to a Class E felony.
- According to the Administrative Office of the Courts, there have been zero convictions under § 71-3-505(a) for operating an unlicensed child care agency.
- Pursuant to Tenn. Code Ann. § 39-15-401(d), the phrase "adversely affect the child's health and welfare" may include, but not be limited to, the natural effects of starvation or dehydration or acts of female genital mutilation.
- The proposed legislation would specify that adverse effects on emotional and mental health and welfare may also constitute adversely affecting a child's health and welfare, as it relates to knowing abuse or neglect of a child.
- There will not be a sufficient change in the number of prosecutions for state or local government to experience any significant change in revenue or expenditures.
- Any impact to the court system as a result of the proposed legislation can be accommodated utilizing existing resources.

- The proposed legislation will have no effect on the operations of DHS or the Department of Children's Services.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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